



General Assembly

February Session, 2016

Raised Bill No. 319

LCO No. 2069



Referred to Committee on EDUCATION

Introduced by:
(ED)

***AN ACT CONCERNING NOTIFICATION TO SCHOOLS OF
PROTECTIVE OR RESTRAINING ORDERS AFFECTING STUDENTS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective July 1, 2016*) If any person who is enrolled
2 in a public elementary or secondary school, including a technical high
3 school, and (1) listed as a protected person on any lawful protective or
4 temporary restraining orders, including, but not limited to, orders
5 issued pursuant to section 46b-15, 46b-16a, as amended by this act,
6 46b-38c, 53a-40e, 54-1k, 54-82q or 54-82r of the general statutes, as
7 amended by this act, or (2) a person against whom any such order has
8 been issued, the clerk of the Superior Court shall, not later than
9 seventy-two hours following the granting of such order, send, by
10 facsimile or other means, a copy of such order or the information
11 contained in any such order, to the local or regional board of education
12 responsible for educating such person and the superintendent of
13 schools of the school district in which such person resides or attends
14 school. The superintendent shall maintain such order and information
15 in a secure location and such order and information shall be
16 maintained as confidential in accordance with section 46b-124 of the

17 general statutes. The superintendent shall disclose such order and
18 information only to the principal of the school in which such person is
19 a student. The principal or supervisory agent may disclose such
20 information only to special services staff or a consultant, such as a
21 psychiatrist, psychologist or social worker, for the purposes of
22 assessing the risk of danger posed by or to such person and
23 effectuating an appropriate modification of such person's educational
24 plan or placement, and for disciplinary purposes. If such order was
25 granted during the school year, such assessment shall be completed
26 not later than the end of the next school day. Such order and
27 information with respect to a child under eighteen years of age shall be
28 confidential in accordance with sections 46b-124 and 54-76l of the
29 general statutes, and shall only be disclosed as provided in this section
30 and shall not be further disclosed.

31 Sec. 2. Subsection (g) of section 46b-15 of the general statutes is
32 repealed and the following is substituted in lieu thereof (*Effective July*
33 *1, 2016*):

34 (g) The applicant shall cause notice of the hearing pursuant to
35 subsection (b) of this section and a copy of the application and the
36 applicant's affidavit and of any ex parte order issued pursuant to
37 subsection (b) of this section to be served on the respondent not less
38 than five days before the hearing. The cost of such service shall be paid
39 for by the Judicial Branch. Upon the granting of an ex parte order, the
40 clerk of the court shall provide two copies of the order to the applicant.
41 Upon the granting of an order after notice and hearing, the clerk of the
42 court shall provide two copies of the order to the applicant and a copy
43 to the respondent. Every order of the court made in accordance with
44 this section after notice and hearing shall be accompanied by a
45 notification that is consistent with the full faith and credit provisions
46 set forth in 18 USC 2265(a), as amended from time to time.
47 Immediately after making service on the respondent, the proper officer
48 shall send or cause to be sent, by facsimile or other means, a copy of
49 the application, or the information contained in such application,

50 stating the date and time the respondent was served, to the law
 51 enforcement agency or agencies for the town in which the applicant
 52 resides, the town in which the applicant is employed and the town in
 53 which the respondent resides. The clerk of the court shall send, by
 54 facsimile or other means, a copy of any ex parte order and of any order
 55 after notice and hearing, or the information contained in any such
 56 order, to the law enforcement agency or agencies for the town in which
 57 the applicant resides, the town in which the applicant is employed and
 58 the town in which the respondent resides, within forty-eight hours of
 59 the issuance of such order. If the victim is enrolled in a [public or]
 60 private elementary or secondary school, [including a technical high
 61 school,] or an institution of higher education, as defined in section 10a-
 62 55, the clerk of the court shall, upon the request of the victim, send, by
 63 facsimile or other means, a copy of such ex parte order or of any order
 64 after notice and hearing, or the information contained in any such
 65 order, to such school or institution of higher education, the president
 66 of any institution of higher education at which the victim is enrolled
 67 and the special police force established pursuant to section 10a-156b, if
 68 any, at the institution of higher education at which the victim is
 69 enrolled. If the victim or respondent is a student enrolled in a public
 70 elementary or secondary school, including a technical high school, the
 71 clerk of the court shall send, by facsimile or other means, a copy of
 72 such ex parte order or of any order after notice and hearing, or the
 73 information contained in any such order, to the local or regional board
 74 of education responsible for educating such student and the
 75 superintendent of schools of the school district in which such person
 76 resides or attends school, in accordance with the provisions of section 1
 77 of this act.

78 Sec. 3. Subsection (d) of section 46b-16a of the general statutes is
 79 repealed and the following is substituted in lieu thereof (*Effective July*
 80 *1, 2016*):

81 (d) The applicant shall cause notice of the hearing pursuant to
 82 subsection (b) of this section and a copy of the application and the

83 applicant's affidavit and of any ex parte order issued pursuant to
84 subsection (b) of this section to be served by a proper officer on the
85 respondent not less than five days before the hearing. The cost of such
86 service shall be paid for by the Judicial Branch. Upon the granting of
87 an ex parte order, the clerk of the court shall provide two copies of the
88 order to the applicant. Upon the granting of an order after notice and
89 hearing, the clerk of the court shall provide two copies of the order to
90 the applicant and a copy to the respondent. Every order of the court
91 made in accordance with this section after notice and hearing shall be
92 accompanied by a notification that is consistent with the full faith and
93 credit provisions set forth in 18 USC 2265(a), as amended from time to
94 time. Immediately after making service on the respondent, the proper
95 officer shall send or cause to be sent, by facsimile or other means, a
96 copy of the application, or the information contained in such
97 application, stating the date and time the respondent was served, to
98 the law enforcement agency or agencies for the town in which the
99 applicant resides, the town in which the applicant is employed and the
100 town in which the respondent resides. The clerk of the court shall
101 send, by facsimile or other means, a copy of any ex parte order and of
102 any order after notice and hearing, or the information contained in any
103 such order, to the law enforcement agency or agencies for the town in
104 which the applicant resides, the town in which the applicant is
105 employed and the town in which the respondent resides, not later than
106 forty-eight hours after the issuance of such order. If the applicant is
107 enrolled in a [public or] private elementary or secondary school,
108 [including a technical high school,] or an institution of higher
109 education, as defined in section 10a-55, the clerk of the court shall,
110 upon the request of the applicant, send, by facsimile or other means, a
111 copy of such ex parte order or of any order after notice and hearing, or
112 the information contained in any such order, to such school or
113 institution of higher education, the president of any institution of
114 higher education at which the applicant is enrolled and the special
115 police force established pursuant to section 10a-142, if any, at the
116 institution of higher education at which the applicant is enrolled. If the

117 applicant or respondent is a student enrolled in a public elementary or
118 secondary school, including a technical high school, the clerk of the
119 court shall send, by facsimile or other means, a copy of such ex parte
120 order or of any order after notice and hearing, or the information
121 contained in any such order, to the local or regional board of education
122 responsible for educating such student and the superintendent of
123 schools of the school district in which such person resides or attends
124 school, in accordance with the provisions of section 1 of this act.

125 Sec. 4. Subsection (d) of section 46b-38c of the 2016 supplement to
126 the general statutes is repealed and the following is substituted in lieu
127 thereof (*Effective July 1, 2016*):

128 (d) In all cases of family violence, a written or oral report that
129 indicates whether the parties in the family violence case are parties to a
130 case pending on the family relations docket of the Superior Court and
131 includes recommendation of the local family violence intervention unit
132 shall be available to a judge at the first court date appearance to be
133 presented at any time during the court session on that date. A judge of
134 the Superior Court may consider and impose the following conditions
135 to protect the parties, including, but not limited to: (1) Issuance of a
136 protective order pursuant to subsection (e) of this section; (2)
137 prohibition against subjecting the victim to further violence; (3) referral
138 to a family violence education program for persons who commit acts
139 of family violence; and (4) immediate referral for more extensive case
140 assessment. Such protective order shall be an order of the court, and
141 the clerk of the court shall cause (A) a copy of such order to be sent to
142 the victim, and (B) a copy of such order, or the information contained
143 in such order, to be sent by facsimile or other means within forty-eight
144 hours of its issuance to the law enforcement agency for the town in
145 which the victim resides and, if the defendant resides in a town
146 different from the town in which the victim resides, to the law
147 enforcement agency for the town in which the defendant resides. If the
148 victim is employed in a town different from the town in which the
149 victim resides, the clerk of the court shall, upon the request of the

150 victim, send, by facsimile or other means, a copy of such order, or the
151 information contained in such order, to the law enforcement agency
152 for the town in which the victim is employed not later than forty-eight
153 hours after the issuance of such order. If the victim is enrolled in a
154 [public or] private elementary or secondary school, [including a
155 technical high school,] or an institution of higher education, as defined
156 in section 10a-55, the clerk of the court shall, upon the request of the
157 victim, send, by facsimile or other means, a copy of such order, or the
158 information contained in such order, to such school or institution of
159 higher education, the president of any institution of higher education
160 at which the victim is enrolled and the special police force established
161 pursuant to section 10a-156b, if any, at the institution of higher
162 education at which the victim is enrolled. If the victim or defendant is
163 a student enrolled in a public elementary or secondary school,
164 including a technical high school, the clerk of the court shall send, by
165 facsimile or other means, a copy of such order, or the information
166 contained in such order, to the local or regional board of education
167 responsible for educating such student and the superintendent of
168 schools of the school district in which such student resides or attends
169 school, in accordance with the provisions of section 1 of this act.

170 Sec. 5. Section 53a-40e of the general statutes is repealed and the
171 following is substituted in lieu thereof (*Effective July 1, 2016*):

172 (a) If any person is convicted of (1) a violation of subdivision (1) or
173 (2) of subsection (a) of section 53-21, section 53a-59, 53a-59a, 53a-60,
174 53a-60a, 53a-60b, 53a-60c, 53a-70, 53a-70a, 53a-70b, 53a-70c, 53a-71, 53a-
175 72a, 53a-72b, 53a-73a, 53a-181c, 53a-181d, 53a-181e, 53a-182b, 53a-183,
176 53a-223, 53a-223a or 53a-223b or attempt or conspiracy to violate any of
177 said sections or section 53a-54a, or (2) any crime that the court
178 determines constitutes a family violence crime, as defined in section
179 46b-38a, or attempt or conspiracy to commit any such crime, the court
180 may, in addition to imposing the sentence authorized for the crime
181 under section 53a-35a or 53a-36, if the court is of the opinion that the
182 history and character and the nature and circumstances of the criminal

183 conduct of such offender indicate that a standing criminal protective
184 order will best serve the interest of the victim and the public, issue a
185 standing criminal protective order which shall remain in effect for a
186 duration specified by the court until modified or revoked by the court
187 for good cause shown. If any person is convicted of any crime not
188 specified in subdivision (1) or (2) of this subsection, the court may, for
189 good cause shown, issue a standing criminal protective order pursuant
190 to this subsection.

191 (b) Such standing criminal protective order may include, but need
192 not be limited to, provisions enjoining the offender from (1) imposing
193 any restraint upon the person or liberty of the victim; (2) threatening,
194 harassing, assaulting, molesting, sexually assaulting or attacking the
195 victim; or (3) entering the family dwelling or the dwelling of the
196 victim.

197 (c) Such standing criminal protective order shall include the
198 following notice: "In accordance with section 53a-223a of the
199 Connecticut general statutes, violation of this order shall be punishable
200 by a term of imprisonment of not less than one year nor more than ten
201 years, a fine of not more than ten thousand dollars, or both."

202 (d) If the victim or offender is a student enrolled in a public
203 elementary or secondary school, including a technical high school, the
204 clerk of the court shall send, by facsimile or other means, a copy of
205 such standing criminal protective order, or the information contained
206 in such standing criminal protective order, to the local or regional
207 board of education responsible for educating such student and the
208 superintendent of schools of the school district in which such student
209 resides or attends school, in accordance with the provisions of section 1
210 of this act.

211 ~~[(d)]~~ (e) For the purposes of this section and any other provision of
212 the general statutes, "standing criminal protective order" means (1) a
213 standing criminal restraining order issued prior to October 1, 2010, or

214 (2) a standing criminal protective order issued on or after October 1,
215 2010.

216 Sec. 6. Subsection (a) of section 54-1k of the general statutes is
217 repealed and the following is substituted in lieu thereof (*Effective July*
218 *1, 2016*):

219 (a) Upon the arrest of a person for a violation of subdivision (1) or
220 (2) of subsection (a) of section 53-21, section 53a-70, 53a-70a, 53a-70c,
221 53a-71, 53a-72a, 53a-72b or 53a-73a, or any attempt thereof, or section
222 53a-181c, 53a-181d or 53a-181e, the court may issue a protective order
223 pursuant to this section. Upon the arrest of a person for a violation of
224 section 53a-182b or 53a-183, the court may issue a protective order
225 pursuant to this section if it finds that such violation caused the victim
226 to reasonably fear for his or her physical safety. Such order shall be an
227 order of the court, and the clerk of the court shall cause (1) a copy of
228 such order, or the information contained in such order, to be sent to
229 the victim, and (2) a copy of such order, or the information contained
230 in such order, to be sent by facsimile or other means not later than
231 forty-eight hours after its issuance to the law enforcement agency or
232 agencies for the town in which the victim resides, the town in which
233 the victim is employed and the town in which the defendant resides. If
234 the victim is enrolled in a [public or] private elementary or secondary
235 school, [including a technical high school,] or an institution of higher
236 education, as defined in section 10a-55, the clerk of the court shall,
237 upon the request of the victim, send, by facsimile or other means, a
238 copy of such order, or the information contained in such order, to such
239 school or institution of higher education, the president of any
240 institution of higher education at which the victim is enrolled and the
241 special police force established pursuant to section 10a-156b, if any, at
242 the institution of higher education at which the victim is enrolled. If
243 the victim or defendant is a student enrolled in a public elementary or
244 secondary school, including a technical high school, the clerk of the
245 court shall send, by facsimile or other means, a copy of such order, or
246 the information contained in such order, to the local or regional board

247 of education responsible for educating such student and the
248 superintendent of schools of the school district in which such student
249 resides or attends school, in accordance with the provisions of section 1
250 of this act.

251 Sec. 7. Section 54-82q of the general statutes is repealed and the
252 following is substituted in lieu thereof (*Effective July 1, 2016*):

253 (a) Upon application of a prosecutorial official, a court may issue a
254 temporary restraining order prohibiting the harassment of a witness in
255 a criminal case if the court finds, from specific facts shown by affidavit
256 or verified complaint, that there are reasonable grounds to believe that
257 harassment of an identified witness in a criminal case exists or that
258 such order is necessary to prevent and restrain the commission of an
259 offense under section 53a-151 or 53a-151a.

260 (b) A temporary restraining order may be issued under this section
261 without written or oral notice to the adverse party or such party's
262 attorney if the court finds, upon written certification of facts by the
263 prosecutorial official, that such notice should not be required and that
264 there is a reasonable probability that the state will prevail on the
265 merits. A temporary restraining order shall set forth the reasons for the
266 issuance of such order, be specific in its terms and describe in
267 reasonable detail, and not by reference to the complaint or other
268 document, the act or acts being restrained.

269 (c) A temporary restraining order issued without notice under this
270 section shall be endorsed with the date and hour of issuance and be
271 filed forthwith in the office of the clerk of the court that issued the
272 order.

273 (d) A temporary restraining order issued under this section shall
274 expire at such time as the court directs, not to exceed ten days from
275 issuance. The court, for good cause shown before expiration of the
276 order, may extend the expiration date of the order for not more than
277 ten days or for a longer period if agreed to by the adverse party. If the

278 prosecutorial official files an application for a protective order
279 pursuant to section 54-82r prior to the expiration date of the temporary
280 restraining order, the temporary restraining order shall remain in
281 effect until the court makes a decision on the issuance of such
282 protective order.

283 (e) If, on two days' notice to the prosecutorial official or on such
284 shorter notice as the court may prescribe, the adverse party appears
285 and moves to dissolve or modify the temporary restraining order, the
286 court shall proceed to hear and determine such motion expeditiously.

287 (f) When a temporary restraining order is issued without notice, an
288 application for a protective order filed pursuant to section 54-82r shall
289 be privileged in assignment for hearing and shall take precedence over
290 all other matters except matters of the same character, and, if the
291 prosecutorial official does not proceed with such application at such
292 hearing, the temporary restraining order shall be dissolved.

293 (g) If the identified witness in a criminal case or adverse party is a
294 student enrolled in a public elementary or secondary school, including
295 a technical high school, the clerk of the court shall send, by facsimile or
296 other means, a copy of the temporary restraining order issued under
297 this section, or the information contained in such temporary
298 restraining order, to the local or regional board of education
299 responsible for educating such student and the superintendent of
300 schools of the school district in which such student resides or attends
301 school, in accordance with the provisions of section 1 of this act.

302 Sec. 8. Section 54-82r of the general statutes is repealed and the
303 following is substituted in lieu thereof (*Effective July 1, 2016*):

304 (a) Upon application of a prosecutorial official, a court may issue a
305 protective order prohibiting the harassment of a witness in a criminal
306 case if the court, after a hearing at which hearsay evidence shall be
307 admissible, finds by a preponderance of the evidence that harassment
308 of an identified witness in a criminal case exists or that such order is

309 necessary to prevent and restrain the commission of a violation of
310 section 53a-151 or 53a-151a. Any adverse party named in the complaint
311 has the right to present evidence and cross-examine witnesses at such
312 hearing. Such order shall be an order of the court, and the clerk of the
313 court shall cause a certified copy of such order to be sent to the
314 witness, and a copy of such order, or the information contained in such
315 order, to be sent by facsimile or other means within forty-eight hours
316 of its issuance to the appropriate law enforcement agency.

317 (b) A protective order shall set forth the reasons for the issuance of
318 such order, be specific in terms and describe in reasonable detail, and
319 not by reference to the complaint or other document, the act or acts
320 being restrained. A protective order issued under this section may
321 include provisions necessary to protect the witness from threats,
322 harassment, injury or intimidation by the adverse party including, but
323 not limited to, enjoining the adverse party from (1) imposing any
324 restraint upon the person or liberty of the witness, (2) threatening,
325 harassing, assaulting, molesting or sexually assaulting the witness, or
326 (3) entering the dwelling of the witness. Such order shall contain the
327 following language: "In accordance with section 53a-223 of the
328 Connecticut general statutes, any violation of this order constitutes
329 criminal violation of a protective order which is punishable by a term
330 of imprisonment of not more than ten years, a fine of not more than ten
331 thousand dollars, or both. Additionally, in accordance with section
332 53a-107 of the Connecticut general statutes, entering or remaining in a
333 building or any other premises in violation of this order constitutes
334 criminal trespass in the first degree which is punishable by a term of
335 imprisonment of not more than one year, a fine of not more than two
336 thousand dollars, or both.". If the adverse party is the defendant in the
337 criminal case, such order shall be made a condition of the bail or
338 release of the defendant and shall also contain the following language:
339 "Violation of this order also violates a condition of your bail or release
340 and may result in raising the amount of bail or revoking release."

341 (c) The protective order shall remain in effect for the duration of the

342 criminal case except as otherwise ordered by the court.

343 (d) If a protected witness in a criminal case or an adverse party is a
 344 student enrolled in a public elementary or secondary school, including
 345 a technical high school, the clerk of the court shall send, by facsimile or
 346 other means, a copy of the protective order issued under this section,
 347 or the information contained in such protective order, to the local or
 348 regional board of education responsible for educating such student
 349 and the superintendent of schools of the school district in which such
 350 student resides or attends school, in accordance with the provisions of
 351 section 1 of this act.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>July 1, 2016</i>	New section
Sec. 2	<i>July 1, 2016</i>	46b-15(g)
Sec. 3	<i>July 1, 2016</i>	46b-16a(d)
Sec. 4	<i>July 1, 2016</i>	46b-38c(d)
Sec. 5	<i>July 1, 2016</i>	53a-40e
Sec. 6	<i>July 1, 2016</i>	54-1k(a)
Sec. 7	<i>July 1, 2016</i>	54-82q
Sec. 8	<i>July 1, 2016</i>	54-82r

Statement of Purpose:

To require the clerk of the Superior Court to provide notice to a school district after granting a protective or restraining order that involves a student.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]